

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:12CR13-RLV**

UNITED STATES OF AMERICA)	
)	
v.)	MONEY JUDGMENT AND
)	PRELIMINARY ORDER
BETTY ANN COOK.)	OF FORFEITURE

THIS MATTER is before the Court on the Government's Motion for Money Judgment and Preliminary Order of Forfeiture (Doc. 12).

THIS COURT FINDS AS FOLLOWS:

1. The Bill of Information (Doc. 1) in this case charged Defendant with violations of 18 U.S.C. §§ 1349 and 1956(h). The Information also provided notice that property was subject to forfeiture pursuant to 18 U.S.C. § 982, and specifically identified proceeds, substitute property, and a \$325,000 forfeiture money judgment as subject to forfeiture.

2. Defendant pled guilty to the 18 U.S.C. §§ 1349 and 1956(h) offenses set forth in the Information.

3. The Government attached to its Motion for Money Judgment and Preliminary Order of Forfeiture an Affidavit setting forth that \$325,000 constituted the proceeds of the Section 1349 offense for purposes of a money judgment. The Affidavit also detailed efforts by law enforcement to identify the proceeds for forfeiture and set forth facts sufficient for this Court to find that, as a result of any act or omission of the defendant, the proceeds cannot be located upon the exercise of due diligence, have been transferred or sold to, or deposited with, a third party, have been placed beyond the jurisdiction of the court, have been substantially diminished in value, or have been commingled with other property which cannot be divided without difficulty.

4. For purposes of Fed. R. Crim. P. 32.2 and based on the Information, plea of guilty, Motion for Money Judgment and Preliminary Order of Forfeiture and Affidavit in Support of Motion for Money Judgment and Preliminary Order of Forfeiture, the Government has established the amount of money judgment and has established that the real property identified in the Motion is subject to forfeiture as substitute property for purposes of 21 U.S.C. § 853(p).

IT IS THEREFORE ORDERED that, based upon 18 U.S.C. § 982, this Order shall constitute a money judgment for the following property:


A forfeiture money judgment in the amount of \$325,000 in funds constituting or derived from proceeds of the fraud conspiracy set forth in the Bill of Information against Betty Ann Cook.

In addition, based upon 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(p), this Order shall constitute a preliminary order of forfeiture for the following property

Three tracts of real property at Bailey Road, Ennice, North Carolina 28623, more particularly described in Alleghany County, North Carolina Register of Deeds Book 214 Page 170, titled in the name of Betty Shaw Cook.

The Internal Revenue Service and/or other property custodian for the investigative agency is authorized to seize and maintain possession of all specifically identified properties herein. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of this forfeiture. any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest. To the extent that this Order constitutes a preliminary order of forfeiture of specific properties, upon adjudication of all third-party interests, this Court will enter a final order and judgment of forfeiture.

Signed: May 23, 2012

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees
United States District Judge

